



IFV RCE/1600 \$

PTO/SB/30 (09-03)

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
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Alexandria, VA 22313-1450

| | |
|------------------------|--------------|
| Application Number | 09/811,049 |
| Filing Date | 3/15/2001 |
| First Named Inventor | Nyhus |
| Art Unit | 1638 |
| Examiner Name | Ashwin Mehta |
| Attorney Docket Number | G4901 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☒ Deposit Account No. 07-0190
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other any underpayment or overpayment
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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01 FC:1801 770.00 DA

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|------------------------|-----------------------------------|----------------|
| Name (Print/Type) | Dana S. Rewoldt | Registration No. (Attorney/Agent) | 33,762 |
| Signature | <i>Dana S. Rewoldt</i> | Date | April 19, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|------------------------|------|----------------|
| Name (Print/Type) | DAWA REWOLDT | Date | April 19, 2004 |
| Signature | <i>Dana S. Rewoldt</i> | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------|------------------------|---|-----------|--|
| RE: | Patent Application for |) | Date: | April 19, 2004 |
| Inventor(s): | Kris Nyhus |) | Art Unit: | 1638 |
| Serial No.: | 09/811049 |) | Examiner: | |
| Filed: | March 15, 2001 |) | | |
| Title: | INBRED CORN LINE G4901 |) | Action: | RCE Response to Final Office Action |

To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Please enter and make the following amendments:

In the Specification:

In the Specification on page 15, please delete "#8" as this is not part of Table 1.

In the Claims:

Please enter and make the amendments to the claims as attached hereto.

Remarks

This is in response to the office action dated 12/19/2003, which was final. One month extension of time is required and submitted. The newly added claims are not believed to require any additional costs. However, if there are additional costs for any claims or extensions of time the cost should be withdrawn from Account No. 07-0190. Please note that that Examiner in the advisory action indicated that there is no support for use of the 5% significance level in the specification. The Applicant points out that in the tables used to make comparisons between the present invention and prior art inbreds the Applicant uses the .05 probability test, along with more stringent probabilities. The users of statistics generally have by convention established since the early 1920's that the standard that is employed in statistics to show a different is .05 probability or in other words the 5% significance level. Therefore, since this is the standard within the industry and within the realm of researchers generally and it is used in the specification